



SEPTEMBER 13 - 17, 2004 ST. LOUIS, MISSOURI

James B. Loken, Chief Judge - Minneapolis, Minnesota

Circuit Judges in Active Service

**Roger L. Wollman - Sioux Falls, SD
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR
Steven M. Colloton - Des Moines, IA
Raymond W. Gruender - St. Louis, MO
Duane Benton - Kansas City, MO**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
Theodore McMillian - St. Louis, MO
Richard S. Arnold - Little Rock, AR
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Pasco M. Bowman - Kansas City, MO
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE
David R. Hansen - Cedar Rapids, IA**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Thomas F. Eagleton Courthouse at 111 S. 10th Street, St. Louis, Missouri. Division I will be held in the En Banc Courtroom on Floor 28, and Division II will be held in the Southeast Courtroom on Floor 27. Division III will be held in the Northeast Courtroom on Floor 27, and Division IV will be held in the Southwest Courtroom on Floor 27. Counsel presenting oral argument should report to the clerk's office, Room 24.329, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans
Clerk of Court

www.ca8.uscourts.gov

Updated 9/14/04

DIVISION I
28th Floor
En Banc Courtroom

MONDAY, SEPTEMBER 13, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, BEAM, GRUENDER

			LAD	
1.	04-1061WM	B. Glenn Martin v. American Airlines, Inc., etc., et al.		20
2.	03-3624EA	Randy Hardin, etc., et al. v. BASF Corporation		20
	03-4008	Geo. A. Heimos Produce Company, Inc. v. United States Department of Agriculture	DISMISSED	
	03-3335	In Re: Farmland Industries, Inc., Debtor Official Committee of Unsecured Creditors v. Farmland Industries, Inc., et al.	NO ARG	
	03-3620WA	Jerry Langley v. Hot Spring County, Arkansas	NO ARG	
	03-3352NE	United States v. Amber Rae Forbes	NO ARG	
	04-1379EA	United States v. Clarence Edgar Guthrie	NO ARG	

BEGINNING AT 1:30 P.M.
BEFORE JUDGES WOLLMAN, LAY, RILEY

			PAW	
	01-2045NE	United States v. John J. Fellers		20

TUESDAY, SEPTEMBER 14, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, BEAM, GRUENDER

			DMH	
1.	03-2323EA	United States v. Lucy Mitchell		15
2.	04-1028EA	United States v. Rodricho Martin		15
3.	03-3964EA	United States v. Linda Ray Gardner		15
	04-1603EA	United States v. Jason Jerrel Ausler	NO ARG	
	04-1214EA	Willie Leon Green v. Larry Norris, etc.	NO ARG	
4.	03-3910EA	United States v. James Glen Clawson		15

**DIVISION I
28th Floor
En Banc Courtroom**

****EN BANC SESSION****

WEDNESDAY, SEPTEMBER 15, 2004, BEGINNING AT 9:30 A.M.

**BEFORE JUDGES LOKEN, LAY, BRIGHT, WOLLMAN, M. ARNOLD, MURPHY,
BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON
LMT**

1. 02-3934MN Alane King, etc. v. Hartford Life and Accident Insurance Company 30

**BEFORE JUDGES LOKEN, R. ARNOLD, WOLLMAN, HANSEN, M. ARNOLD,
MURPHY, BYE, RILEY, MELLOY, SMITH, COLLOTON, BENTON**

2. 98-2549EM United States v. Billie Jerome Allen 30

**BEFORE JUDGES LOKEN, R. ARNOLD, BOWMAN, WOLLMAN, M. ARNOLD,
MURPHY, BYE, RILEY, MELLOY, SMITH, COLLOTON, GRUENDER, BENTON**

3. 02-2444NE ACLU Nebraska Foundation, et al. v. City of Plattsmouth, Nebraska, et al. 30

DIVISION I
28th Floor
En Banc Courtroom

THURSDAY, SEPTEMBER 16, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES LOKEN, BEAM, SMITH

			MER	
1.	03-3252EM	Jeffrey R. Ferguson v. Donald P. Roper		20
2.	03-3828EM	General Electric Capital Corporation v. Union Planters Bank, NA		
	03-3832EM	General Electric Capital Corporation v. Union Planters Bank, NA		20
	03-3484WM	United States v. Larry B. Painter	NO ARG	
3.	04-1518WA	Annie Bell Brown v. Jo Anne B. Barnhart, etc.		10
4.	03-3824EM	Shurgard Storage Centers v. Lipton-U. City, etc.		15

FRIDAY, SEPTEMBER 17, 2004, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, BEAM, BYE

			DMS	
1.	03-2972EA	Randall R. Bradford v. Mike Huckabee, etc., et al.		15
BEFORE JUDGES LOKEN, BEAM, SMITH				
2.	03-3859EA	Scott A. Crow v. Marty Montgomery, etc., et al.		15
3.	03-3948WA	Joyce McVay, etc. v. Frank Sears, etc., et al.		15
4.	04-1074WM	Bertha Eichelberger v. Jo Anne B. Barnhart		10
	04-1498WM	John I. Bell v. Jo Anne B. Barnhart, etc.	NO ARG	

DIVISION II
27th Floor
Southeast Courtroom

MONDAY, SEPTEMBER 13, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES M. ARNOLD, BRIGHT, FAGG

PAW

	03-3441EM	Winterville Marine Services, etc., et al. v. Patricia Jackson, et al.	
	03-3470EM	The American Milling Company, et al. v. President Riverboat Casinos, et al.	
	03-3448EM	The American Milling Company, et al. v. McLawrence Brown, et al.	
	03-3566EM	The American Milling Company, et al. v. Brennan Marine, et al.	REMOVED
1.	03-3587WM	Fuqua Homes, Inc. v. Raymond Beattie, et al.	15
2.	04-1010EM	United States v. David Staples, etc.	10
	04-1009EM	United States v. Rickey Don Barnes	NO ARG
3.	03-3993EM	Bob McIntosh, et al. v. Monsanto Company, et al.	20
	04-1540EM	United States v. Andre Williamson	NO ARG
	03-3895WM	United States v. Christopher McFarlane	NO ARG

TUESDAY, SEPTEMBER 14, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES M. ARNOLD, BRIGHT, FAGG

BWB

1.	03-3438WM	John Q. Hammons Hotels, etc., et al. v. Factory Mutual Insurance Company, et al.	15
2.	03-4004EM	Jeraldine Cole v. The May Department Stores Company	15
3.	04-1331EM	United States v. Louis D. Galvan	15
4.	03-1997WM	John Clevenger v. R. E. Gartner, et al.	15
5.	03-3972WM	United States v. Sharon Marie Wheeler	15
6.	04-1157EM	United States v. Damon Burse	15

DIVISION II
27th Floor
Southeast Courtroom

THURSDAY, SEPTEMBER 16, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES WOLLMAN, R. ARNOLD, BYE

DGH

- | | | | |
|------|-----------|---|---------------|
| 1. | 03-3510EM | Charles Kenneth Knouse, et al. v. General American Life Insurance Company, etc., et al. | |
| | 03-3516EM | Patricia S. Palashoff v. General American Life Insurance Company, etc., et al. | |
| | 03-3517EM | Carol Louise Brown v. General American Life Insurance Company, etc., et al. | 20 |
|
 | | | |
| 2. | 03-3200EM | Joseph Low, IV v. John Fahle | |
| | 03-3201EM | Karl W. Dickhaus v. John D. Stobbs, II | 15 |
|
 | | | |
| 3. | 03-3487EM | United States v. Cuauhtemoc Gonzalez-Lopez, etc. | 15 |
|
 | | | |
| | 04-1329EM | United States v. Tony Franciosa Cross | NO ARG |
|
 | | | |
| 4. | 03-3731EM | United States v. Steven Hart | 10 |

FRIDAY, SEPTEMBER 17, 2004, BEGINNING AT 8:30 A.M.
BEFORE JUDGES WOLLMAN, R. ARNOLD, SMITH

CMD

- | | | | |
|----|---------|--|----|
| 1. | 03-3421 | Jani Strato, et al. v. John Ashcroft, etc. | 15 |
|----|---------|--|----|

BEFORE JUDGES WOLLMAN, R. ARNOLD, BYE

- | | | | |
|------|-----------|---|---------------|
| | 03-3758WA | Leon Jenkins v. Southern Farm Bureau Casualty | NO ARG |
|
 | | | |
| 2. | 04-1197WM | JoAnn Reed v. Jo Anne B. Barnhart, etc. | 15 |
|
 | | | |
| 3. | 04-1118WM | Sheila A. Carter v. United States | 15 |
|
 | | | |
| | 04-1158EM | United States v. Dewayne Williams | NO ARG |

DIVISION III
27th Floor
Northeast Courtroom

MONDAY, SEPTEMBER 13, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BOWMAN, SMITH

						LLB	
1.	03-3946WM	United States v. Rady I. Sdoulam, etc.					20

BEFORE JUDGES BYE, BOWMAN, MELLOY

2.	03-2880EM	William Weaver v. Michael Bowersox					
	03-2938EM	William Weaver v. Michael Bowersox					30
3.	03-3894WM	United States v. Tywanne M. Aldridge					15
	04-1274EM	Alfonso A. Waldron, Jr., et al. v. The Boeing Company				NO ARG	
4.	03-3499WM	Linda Kay Crumpley-Patterson v. Trinity Lutheran Hospital, et al.					15
	03-3915EA	United States v. Walter Anderson				NO ARG	
	03-3811EM	United States v. Melvin Nolan				NO ARG	

TUESDAY, SEPTEMBER 14, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BYE, BOWMAN, SMITH

						VLA	
	03-4072EM	United States v. Walter Kerry Robertson				NO ARG	

BEFORE JUDGES BYE, BOWMAN, MELLOY

1.	03-3679WM	Lawrence Padrta, et al. v. Ledar Transport, Inc.					15
	04-1178EM	United States v. Maurice E. Patterson				NO ARG	
2.	04-1651EM	United States v. Frederick Ahlemeier, III					10
3.	03-3876WM	United States v. Glenn Benton Finck, etc.					15
4.	04-1258WM	United States v. James W. Bell					15

DIVISION III
27th Floor
Northeast Courtroom

THURSDAY, SEPTEMBER 16, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, MCMILLIAN, BENTON

TAB

- | | | | |
|----|-----------|--|---------------|
| 1. | 03-3674EA | Janice Walters, etc., et al. v. Richard Weiss,
etc., et al. | 20 |
| 2. | 04-1012WM | Alan W. Simmons v. Jo Anne B. Barnhart, etc. | 15 |
| 3. | 03-3970EM | United States v. Robert B. Beltz | 15 |
| 4. | 04-1073WM | Velma R. Zeiler v. Jo Anne B. Barnhart | 15 |
| | 04-1193WM | Zachary C. Talley v. Jo Anne B. Barnhart | NO ARG |

FRIDAY, SEPTEMBER 17, 2004, BEGINNING AT 8:30 A.M.
BEFORE JUDGES MURPHY, MCMILLIAN, BENTON

KAS

- | | | | |
|----|-----------|--|---------------|
| 1. | 03-3823WM | Tressia Lewis v. John E. Potter, etc. | 15 |
| 2. | 04-1161EM | United States v. Glen Lamar Bailey | 10 |
| 3. | 03-4039EM | Janet M. Strate v. Midwest BankCentre,
Inc., et al. | 15 |
| 4. | 03-3787EA | James M. Hayes v. Faulkner County,
Arkansas, et al. | 15 |
| | 03-3957EA | George Beasley v. City of Marion Arkansas, et al. | NO ARG |

DIVISION IV
27th Floor
Southwest Courtroom

MONDAY, SEPTEMBER 13, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, LAY, MELLOY

			JPP	
1.	04-2253EA	Anthony R. Elwood v. Cole Jeter, etc., et al.		20
BEFORE JUDGES RILEY, LAY, SMITH				
2.	03-3710EM	Cynthia A. Schuhardt, et al. v. Washington University, et al.		20
3.	04-1143EM	United States v. Timothy Jerome McCall		15
4.	03-3914WM	Dairy Farmers of America, Inc. v. Travelers Insurance Company		15
5.	04-2490MN	Ahmed Hassan Ali, etc. v. Mark Cangemi, etc.		15
	04-1134EM	United States v. George D. Leisure		NO ARG
	03-3764MN	Beverly Fox v. Northwest Airlines, Inc., etc.		NO ARG

TUESDAY, SEPTEMBER 14 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, LAY, MELLOY

			JMH	
1.	03-3705EA	Melvin Shoemate v. Larry Norris, etc.		10
BEFORE JUDGES RILEY, LAY, SMITH				
2.	04-1129EA	United States v. Jeffrey Bruce Cramer		15
3.	03-3982EA	Wilford Banks v. International Union Electronic, Electrical, Technical, Salaried and Machine Workers, et al.		10
4.	04-1753WM	United States v. Karamoke M. Fuse		10
5.	03-4017WM	United States v. Jessie J. Sprouse		15
6.	03-3801EM	Oak River Insurance Company v. Taxpayers of Adair County, Missouri		15

DIVISION IV
27th Floor
Southwest Courtroom

THURSDAY, SEPTEMBER 16, 2004, BEGINNING AT 9:00 A.M.
BEFORE JUDGES COLLOTON, HEANEY, HANSEN

SRD

- | | | | |
|----|------------------------|---|----|
| 1. | 03-2728WM
03-2751WM | Terry Skelton v. Michael Henry, et al.
Glenda Jackson, etc. v. William R. Rapps,
etc., et al. | 20 |
| 2. | 03-4045WM | United States v. Timothy W. Hines | 15 |
| 3. | 04-1235WM | United States v. Robert L. Hill | 15 |
| 4. | 03-3945EM | Robert Ellis v. Jo Anne B. Barnhart, etc. | 15 |
| 5. | 04-1315WM | United States v. Bobby R. Leveringston | 10 |

FRIDAY, SEPTEMBER 17, 2004, BEGINNING AT 8:30 A.M.
BEFORE JUDGES COLLOTON, HEANEY, HANSEN

DLA

- | | | | |
|----|-----------|---|----|
| 1. | 03-3855 | National Labor Relations Board v. La-Z-Boy
Midwest, etc. | 15 |
| 2. | 04-1113WM | Mark S. Guilliams v. Jo Anne B. Barnhart, etc. | 10 |
| 3. | 04-1769WM | United States v. Hessam Ghane | 15 |
| 4. | 03-3179WM | John Charles Middleton v. J. E. McDonald,
etc., et al. | 10 |
| 5. | 04-1132WM | Simone R. Taylor v. Jo Anne B. Barnhart, etc. | 15 |